

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Criminal No. 16-cr-9-KPG-KAP

[UNDER SEAL]

APPLICATION AND AFFIDAVIT FOR ARREST WARRANT

I, James A. Simpson, being duly sworn, depose and state:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so for approximately 7 years. I am currently assigned to the Laurel Highlands Resident Agency of the Pittsburgh Division of the FBI. That resident agency is located in Johnstown, Pennsylvania. As an FBI Agent, I am an "investigative or law enforcement officer . . . of the United States" within the meaning of Title 18, United States Code, Section 2510(7). I am an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516. Your affiant has also been involved in investigations pertaining to child pornography; specifically, investigations into the possession, distribution, and receipt of images depicting the sexual exploitation of minors. I have also participated in the execution of search warrants that involved the search and seizure of computers that contained images depicting the sexual exploitation of minors. Through my experience and training, I know that Title 18, United States Code, Sections

2252(a)(1) and (a)(2) make it a criminal offense for any person to knowingly transport or ship, or receive, in interstate or foreign commerce by any means, including by computer, any visual depiction of a minor engaged in sexually explicit conduct. Section 2252(a)(4)(B) also prohibits a person from possessing one or more matters which contain a visual depiction of minors engaging in sexually explicit conduct which have been mailed or shipped in interstate or foreign commerce or which have been produced using materials which have been mailed or so shipped or transported by any means, including computer. I am also aware that Title 18, United States Code, Section 2256 defines "minor" for purposes of section 2252, as "any person under the age of eighteen years." Section 2256 also defines "sexually explicit conduct" for purposes of these sections as including:

- a. genital-genital, oral-genital, anal-genital, and oral-anal sexual intercourse, whether between persons of the same or opposite sex;
- b. bestiality
- c. masturbation
- d. sadistic or masochistic; or
- e. lascivious exhibition of the genitals or pubic area of any person.

Section 2256 defines "child pornography" as any visual depiction,

including any film, photograph, videotape, negative, slide; or any photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative, slide, on any disk, diskette; or other physical medium that allows an image to be displayed on a computer or other video screen; and any image transmitted to a computer or other video screen by telephone line, cable satellite transmission or other method. Furthermore, Section 2256 defines "visual depictions," as undeveloped film and videotape, data stored on computer disk or by electronic means that is capable of conversion into a visual image, and data that is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

2. This affidavit is submitted in support of an arrest warrant for the person of Timothy A. Hufford, who is a white male and whose date of birth is January 6, 1961, and whose Social Security Number is 168-56-3033, and who resides at 239 Celtic Lane, Altoona, (Tyrone Township) Pennsylvania, for violations of Title 18, United States Code, Section 2252(a)(4)(B).

3. On May 11, 2016, a federal grand jury sitting in Johnstown, Pennsylvania, (Western District of Pennsylvania) returned a one-count Indictment at Criminal No. 16-9-J against Timothy A. Hufford, finding probable cause to charge him with unlawful possession

of images depicting the sexual exploitation of minors, in violation of 18 U.S.C. §2252(a)(4)(B).

4. The indictment resulted from an investigation conducted after receiving a lead from the FBI Office in Denver, Colorado. The FBI in Denver had taken control of a certain email account. During the course of the Denver investigation, and prior to the time the FBI took over the account in Denver, the user of the account in Denver exchanged a number of email messages with a user using email address dumptruck1989@yahoo.com. One such message sent to the dumptruck1989 email address contained graphic image files depicting the sexual exploitation of minors. For example, one such .jpeg image file, identified as "1yo", depicted an adult male who was attempting to penetrate the vagina of a one-year old female infant with his penis. The Internet Protocol Address and email address of the dumptruck1989 account were captured by the FBI in Denver. Through subsequent investigation, it was learned that the IP address and email account resolved to Timothy A. Hufford, with a residence address of 239 Celtic Lane, Altoona, Pennsylvania, 16601. One message sent from dumptruck1989 read:

I actually like girls from young to about 40, I am not hard to please, my wife is 37 and she looks to be only about 19 or 20. As far as content, hell i like everything, I should start my own club, the pervert club, lol. I like up skirt, wide spread, girl on girl, do i need to go on. I only thing (sic) that i am not into is the males.. I am not queer, and I don't plan on becoming one. No, I don't have photos of my girls, to tell you the truth, i don't own a digital

camera, i still use a 35mm when i can find the film.
That's why i was asking about web cam.

5. On August 18, 2015, your affiant, along with FBI Special Agent Michael Hochrein and FBI forensic examiners, conducted a knock and talk at 239 Celtic Lane, Altoona, Pennsylvania. We knocked on the front door and it was answered by an individual who identified himself as Timothy Hufford. We identified ourselves and explained to Hufford we were investigating alleged offenses involving images of child pornography sent via email from an IP address and email account that resolved back to his address. Hufford consented to a search of his computer, and agreed to speak with us. During the ensuing conversation, Hufford stated he views a lot of pornography via the internet, and had looked at child pornography as recently as August 16, 2016, only two days prior to our interview. A few minutes later, Hufford stated he wanted to speak with an attorney. Questioning was ceased and we explained to Hufford that he should make no further statements. Hufford then revoked his consent to search his computer. The FBI forensic examiners immediately stopped their examination and replaced the hard drive into the computer. Even though the Agents advised Hufford not to speak because he had requested a lawyer, Hufford continued to speak and admitted the dumptruck1989 email address was his, and that he received the child pornography images referred to above, although he stated "it was a long time ago." After Hufford revoked his consent, the agents secured Hufford's residence and initiated the process to obtain a search warrant from this Court. During the

knock-and-talk, your affiant also became aware of the presence of Hufford's two minor daughters living in the residence. As your affiant recalls, one daughter was approximately 4 years old and the other was approximately 6-7 years old. Because your affiant was concerned for the safety of Hufford's two minor daughters, I approached Hufford's wife, Theresa Hufford, and asked whether there was any indication of Hufford sexually abusing the children. Theresa Hufford denied having knowledge of any such contact. She also denied having any knowledge of Hufford's interest in child pornography, or viewing images depicting the sexual exploitation of minors.

6. This Court approved the search warrant and it was executed on August 18, 2015. Hufford's computer and other items were seized during the search. A subsequent forensic analysis of Hufford's computer revealed a hundreds of images in individual computer graphic files depicting prepubescent minors engaging in sexually explicit conduct, as those terms are defined in 18 U.S.C. § 2256. Among the images depicting child pornography were images of Timothy Hufford holding a young female, approximately 5 years of age. Other images depicted Timothy Hufford holding an infant, who is believed to be his granddaughter. A digital camera was also recovered during the search. A digital camera can be used to take photographs without the use of film, and the images can readily be transferred to a computer in digital format. On most of the images depicting the sexual exploitation of minors, the face of the minor cannot be seen so it is not possible to

determine whether any of the images depict Hufford's children. One video was recovered which depicted a young female approximately 3-4 years of age running naked around Hufford's residence.

7. After the grand jury returned the Indictment on May 11, 2016, the United States requested a Summons be issued directing Timothy A. Hufford to appear before this Court. This Court granted the government's request, and issued a Summons requiring Timothy A. Hufford to appear before this Court at 11:15 am on June 21, 2016.

8. Subsequent to the issuance of the Summons, however, the United States received information from Sherrie Mountain. Ms. Mountain related she is the youngest stepsister of Timothy A. Hufford. According to Ms. Mountain, when she was 10-13 years old, and Timothy Hufford was 18 years old, Hufford frequently sexually touched her and attempted to sexually assault her in the family home. Ms. Mountain related she advised her father of the sexual abuse, but her father refused to take any action or intercede. When Ms. Mountain learned of the instant Indictment against Hufford, she immediately became concerned for the welfare of Hufford's two minor daughters residing with him. She related one daughter is approximately 6-7 years old and the other is approximately 4 years old. Ms. Mountain also related the following:

Timothy Hufford's current wife, Theresa Hufford, is both the stepmother and the stepsister to Hufford's two oldest children, Michael and Heather. Timothy Hufford was dating Linda Kinkaid. Kinkaid had

a minor daughter, Theresa, while she was dating Hufford. Hufford and Kinkaid also had two other children together, Michael and Heather. Thus, Kinkaid's daughter, Theresa, was the stepsister of Michael and Heather. Around the time Theresa turned 18, she became pregnant and had a girl, Amanda. It was learned that Hufford was the biological father of Amanda. The relationship between Hufford and Kinkaid dissolved and Hufford married Theresa. Thus, Theresa, who was the stepsister of Michael and Heather, now became their stepmother as well. The marriage between Hufford and Theresa produced four children, including the two minor daughters now living in the residence with Hufford and Theresa. Ms. Mountain further related that Heather, Hufford's biological daughter with Linda Kinkaid, left Hufford's residence while she was in junior high school and moved in with her (Heather's) grandfather because Hufford attempted to "mess with her sexually."

9. Your affiant has developed concern that Hufford poses a danger to his two minor daughters residing with him. This concern is based on the information received from Ms. Mountain, as well as a review of the images retrieved from Hufford's computer, many of which depict the sexual exploitation of minor females between the approximate ages of one and nine years of age.

10. Based upon the above information, and as evidenced by the Indictment returned against Timothy Hufford by the grand jury on May 11, 2016, I submit there is probable cause to believe that, on or

about August 18, 2015, Timothy Hufford did knowingly possessing one or more matters which contained visual depictions of prepubescent minors, and minors who had not attained the age of twelve years old, engaging in sexually explicit conduct, and which have been mailed or shipped in interstate or foreign commerce or which have been produced using materials which have been mailed or so shipped or transported by any means, including computer, transmit in interstate or foreign, and the images were of such conduct and Timothy Hufford knew the images were of such conduct, in violation of 18 U.S.C. § 2252(a)(4)(B).



JAMES A. SIMPSON
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me
this 17th day of May, 2015.



KEITH A. PESTO
United States Magistrate Judge